



FOLEY & LARDNER LLP

January 26, 2015

VIA ECF

Honorable Gregory R. Woods
United States District Court
500 Pearl Street
New York, New York 10007

Re: Lehman Brothers Holdings Inc. v. LHM Financial Corporation, 15-cv-00300-GHW.

Dear Judge Woods:

We are counsel to the Defendant, LHM Financial Corporation (“LHM”), in the above-referenced proceeding. On January 22, 2015, LHM submitted a letter to the Court (the “LHM Letter”) [Dkt. No. 3] to address certain scheduling issues surrounding LHM’s Motion to Withdraw the Reference (the “Motion to Withdraw”) [Dkt. No. 1]. In particular, LHM requested that the Court grant its proposed briefing schedule and expedite its ruling on the Motion to Withdraw and/or stay the Bankruptcy Court’s ruling on LHM’s Motion to Dismiss¹ pending this Court’s ruling on the Motion to Withdraw. On January 26, 2015, plaintiff Lehman Brothers Holdings Inc. (“LBHI”) filed a letter with the Court stating that in light of a revised briefing schedule in the Bankruptcy Court, the primary basis for LHM’s request for an expedited schedule and ruling on the Motion to Withdraw “has been mooted” (the “LBHI Letter”) [Dkt. No. 5]. We respectfully write in response to the LBHI Letter. While it’s true that the Bankruptcy Court has rescheduled the hearing on the Motion to Dismiss from February 9, 2015 to February 17, 2015, that does not render LHM’s request for an expedited schedule and ruling on the Motion to Withdraw moot.

As described in the LHM Letter, which is fully incorporated herein by reference, LHM faces potential prejudice if the Bankruptcy Court rules on the Motion to Dismiss before this Court rules on the Motion to Withdraw. Specifically, because a ruling on the Motion to Dismiss is effectively dispositive as to the relief requested in the Adversary Proceeding, going forward with the Motion to Dismiss in the Bankruptcy Court before the Motion to Withdraw has been determined would, among other things, subject the parties to potentially inconsistent rulings and require duplicative review by this Court, unnecessarily wasting judicial and party resources.

Given the revised schedule in the Bankruptcy Court, LHM would be agreeable to a briefing schedule on the Motion to Withdraw that allows this Court to rule in advance of the Bankruptcy Court hearing on February 17, 2015. Otherwise, LHM’s previous requests remain the same. Counsel for LHM is happy to participate in a scheduling conference to discuss this and any related issues.

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the LHM Letter.

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Respectfully submitted,

/s/ Derek L. Wright

Derek L. Wright
FOLEY & LARDNER LLP
90 Park Avenue
New York, New York 10016
Telephone: (212) 338.3539

and

Evans D. Prieston
AMERICAN MORTGAGE LAW GROUP
75 Rowland Way, Suite 350
Novato, California 94945
Telephone: (415) 878.0030

Counsel for LHM Financial Corporation

cc: James N. Lawlor (via ECF and email)